

## § 292.22

### **§ 292.22 How does the Secretary request the Governor's concurrence?**

If the Secretary makes a favorable Secretarial Determination, the Secretary will send to the Governor of the State:

- (a) A written notification of the Secretarial Determination and Findings of Fact supporting the determination;
- (b) A copy of the entire application record; and
- (c) A request for the Governor's concurrence in the Secretarial Determination.

### **§ 292.23 What happens if the Governor does not affirmatively concur with the Secretarial Determination?**

(a) If the Governor provides a written non-concurrence with the Secretarial Determination:

(1) The applicant tribe may use the newly acquired lands only for non-gaming purposes; and

(2) If a notice of intent to take the land into trust has been issued, then the Secretary will withdraw that notice pending a revised application for a non-gaming purpose.

(b) If the Governor does not affirmatively concur in the Secretarial Determination within one year of the date of the request, the Secretary may, at the request of the applicant tribe or the Governor, grant an extension of up to 180 days.

(c) If no extension is granted or if the Governor does not respond during the extension period, the Secretarial Determination will no longer be valid.

### **§ 292.24 Can the public review the Secretarial Determination?**

Subject to restrictions on disclosure required by the Freedom of Information Act (5 U.S.C. 552), the Privacy Act (5 U.S.C. 552a), and the Trade Secrets Act (18 U.S.C. 1905), the Secretarial Determination and the supporting documents will be available for review at the local BIA agency or Regional Office having administrative jurisdiction over the land.

## 25 CFR Ch. I (4–1–10 Edition)

### INFORMATION COLLECTION

### **§ 292.25 Do information collections in this part have Office of Management and Budget approval?**

The information collection requirements in §§ 292.16, 292.17, and 292.18 have been approved by the Office of Management and Budget (OMB). The information collection control number is 1076–0158. A Federal agency may not collect or sponsor and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control.

## **Subpart D—Effect of Regulations**

### **§ 292.26 What effect do these regulations have on pending applications, final agency decisions, and opinions already issued?**

These regulations apply to all requests pursuant to 25 U.S.C. 2719, except:

(a) These regulations do not alter final agency decisions made pursuant to 25 U.S.C. 2719 before the date of enactment of these regulations.

(b) These regulations apply to final agency action taken after the effective date of these regulations except that these regulations shall not apply to applicable agency actions when, before the effective date of these regulations, the Department or the National Indian Gaming Commission (NIGC) issued a written opinion regarding the applicability of 25 U.S.C. 2719 for land to be used for a particular gaming establishment, provided that the Department or the NIGC retains full discretion to qualify, withdraw or modify such opinions.

## **PART 293—CLASS III TRIBAL STATE GAMING COMPACT PROCESS**

Sec.

293.1 What is the purpose of this part?

293.2 How are key terms defined in this part?

293.3 What authority does the Secretary have to approve or disapprove compacts and amendments?

293.4 Are compacts and amendments subject to review and approval?

293.5 Are extensions to compacts subject to review and approval?